

**REMARKS**

Claims 3-10, 12, 13, 16-25 and 30-33 are pending in this application. Claims 3-10, 12, 13, 16-25 and 30-33 stand rejected. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 3-8 and 30-31 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,192,230 to van Bokhorst et al. in view of U.S. Pat. No. 7,366,532 to Khawand et al., U.S. Pat. No. 7,103,344 to Menard, U.S. Pat. No. 6,002,669 to White and U.S. Pat. No. 5,151,693 to Onoe et al. Applicant respectfully traverses these rejections.

In response, independent claim 30 has been clarified by being further directed to the context “where the control circuitry simultaneously monitors wireless signals received from the transceiver and upon detecting a received wireless signal in the absence of a transmitted wireless signal determines that a higher priority message is being received and responsive to that determination terminates the transmission before completion of the byte.” The comparison of a received wireless signal with a transmitted wireless signal and termination of transmission before completion of the bite is discussed in general throughout the specification (e.g., paragraphs [0039-48] and is shown in FIG. 3 of the specification.

Claims 3-8 and 30-31 are now clearly differentiated over the combination of van Bokhorst et al. in view of Khawand et al., Menard, White and Onoe et al. For example, the Office Action asserts that

White teaches transmitting requested information using at least one byte of information having a plurality of bits; for each bits of the plurality of bits, using bit arbitration to determine that a higher priority messages is being received; and responsive to that determination, terminates transmission before completion of the byte (monitoring the priority level, if a competing device is detected, the lower priority device must abort the transmission and relinquish the network to the higher priority device; col. 6; lines 10-33; Figures 4-5)” (Office Action of 5/11/10, paragraph bridging pages 4-5).

However, White is directed to a MAC packet envelope transmitted through a network bus (White, col. 5, lines 37-47). As those of skill in the art would understand, packets are integral units of information that are routed through a network bus without interruption. Once the packet reaches its destination, the packet is decoded and interpreted.

White explicitly states that “The MAC packet envelope ... encases the ... bus idle guardband 10A, priority character 12, sync character 14, message character 16 and bus idle guardband 10B, as shown in FIG. 1” (White, col. 5, lines 37-41). As such, the priority character 12 (upon which the rejection relies) is explicitly described as being part of a network packet.

In contrast, claim 30 is directed to the context “where the control circuitry simultaneously monitors wireless signals received from the transceiver and upon detecting a received wireless signal in the absence of a transmitted wireless signal determines that a higher priority message is being received and responsive to that determination terminates the transmission before completion of the byte.” As those of skill in the art would recognize, a byte is a small portion of a packet. As would also be abundantly clear, it would not be possible to terminate packet transmission mid-packet. This would necessarily be the case because network buses (and routers) are not capable of processing packets; instead, they are only capable of routing packets. Only the end points can process packets and White only discussed packet transfer within a network.

Moreover, White cannot provide the functionality of the corresponding elements of the claimed invention. For example, under the claimed invention, the highest priority device continues to transmit an information signal even in the presence of collisions. This is possible because collisions would only occur where devices are trying to transmit the same information bit. This is not possible under White or under the combination of Van Bokhorst, Khawand et al., Menard, White and Onoe.

The Office Action asserts that “Onoe teaches checking whether the receiver signal is the same as the transmitted signal (abstract, col. 5; line 63-col. 6; line 27)” (Office Action of 5/11/10, page 5). However, this is clearly different than the claimed invention. In this regard, Onoe explicitly states that “When the R/N information 38 indicates non-reception, or when the partial data 39 is not identical to the stored partial data, the transmitting circuit 13 is held in a waiting state for re-transmitting the data from the first burst” (Onoe et al., col. 6, lines 21-25). In contrast, claim 30 is directed to “transmitting requested information using at least one byte of information having a plurality of bits via the transceiver and where the control circuitry simultaneously monitors wireless signals received from the transceiver.” Since Onoe et al. must first store and then evaluate the stored data, there is no transmitting and simultaneous monitoring under Onoe et al.

Moreover, claims 3-8 and 30-31 differ from the combination of van Bokhorst et al., Khawand et al., Menard, White and Onoe et al. for other reasons. For example, van Bokhorst is merely directed to a system where both transmitter and receiver are deactivated at the same time. Similarly, Menard uses a local Bluetooth connection to activate a receiver whereas claim 30 is directed to activation using an internal clock. Similarly, White is directed to the transmission of

a priority character rather than to comparing transmitted and received bits and Onoe et al. to error checking.

Moreover, the rejections appear to be based upon nothing more than hindsight reconstruction using the application as a template and information not available at the time of filing of the instant application. The information not available at the time of filing of the instant application involves the use of use of simultaneously transmitted bits by wireless devices 14 as a means for determining priority.

In general, van Bokhorst et al., Khawand et al., Menard, White and Onoe et al. and the combination of van Bokhorst et al., Khawand et al., Menard, White and Onoe et al. fail to provide any teaching or suggestion of at least the above discussed claim features. For any of the above reasons, the combination fails to teach or suggest each and every claim limitation and/or uses hindsight reconstruction. As such, the rejections are improper and should be withdrawn.

Claims 16-19, 21, 22, 24 and 32-33 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,192,230 to van Bokhorst et al. in view of U.S. Pat. No. 7,103,344 to Menard and U.S. Pat. No. 6,002,669 to White, U.S. Pat. No. 5,151,693 to Onoe et al. and U.S. Pat. No. 6,816,510 to Banerjee Applicant respectfully traverses these rejections.

In response, independent claim 32 has been further clarified by being further directed to “comparing a transmitted wireless signal with a simultaneously received wireless signal; and terminating the transmission before completion of the byte upon detecting a received wireless signal in the absence of a transmitted wireless signal.” Independent claim 33 has been similarly clarified. The comparison of a received wireless signal with a transmitted wireless signal and termination of transmission before completion of the bite is discussed in general throughout the specification (e.g., paragraphs [0039-48] and is shown in FIG. 3 of the specification.

Claims 16-19, 21, 22, 24 and 32-33 are now clearly differentiated over the combination of van Bokhorst et al. in view of Menard, White, Onoe et al. and Banerjee. For example, van Bokhorst is merely directed to a system where both transmitter and receiver are deactivated at the same time. Menard uses a local Bluetooth connection to activate a receiver whereas claims 32 and 33 is directed to activation using an internal clock and a predetermined time offset. Similarly, White is directed to the transmission of a priority character rather than to detecting a received bit that is not the same as a transmitted bit. Onoe et al. is merely directed to error detection and Banerjee to clock synchronization.

Moreover, the claimed invention offers a different functionality than that the combination. For example, White is directed to the use of a priority character. However, the transmission of a priority character consumes bandwidth that is not necessary under the claimed invention. In the case of the claimed invention, the devices 14 all transmit until one of the devices transmits a zero thereby allowing detection of another unit, all without causing corruption of transmitted data.

Moreover, the rejections appear to be based upon nothing more than hindsight reconstruction using the application as a template and information not available at the time of filing of the instant application. The information not available at the time of filing of the instant application involves the use of use of simultaneously transmitted bits as a means for determining priority.

None of the cited references of van Bokhorst et al. in view of Menard, White, Onoe et al. and Banerjee or the combination of van Bokhorst et al. in view of Menard, White, Onoe et al. and Banerjee provide any teaching or suggestion, inter alia, of the steps of “comparing a transmitted wireless signal with a simultaneously received wireless signal; and terminating the

transmission before completion of the byte upon detecting a received wireless signal in the absence of a transmitted wireless signal.” For any of the above reasons, the combination fails to teach or suggest each and every claim limitation and/or uses hindsight reconstruction. As such, the rejections are improper and should be withdrawn.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,192,230 to van Bokhorst et al. in view of U.S. Pat. No. 7,366,532 to Khawand et al., U.S. Pat. No. 7,103,344 to Menard, U.S. Pat. No. 6,002,669 to White, U.S. Pat. No. 5,151,693 to Onoe et al. and U.S. Pat. No. 7,050,409 to O’Scolai. Applicant respectfully traverses these rejections.

It may be noted first that claim 9 and 10 are dependent upon claim 30 and include all of the limitations of Independent claim 30. It may be noted next that independent claim 30 has been further limited to “where the control circuitry simultaneously monitors wireless signals received from the transceiver and upon detecting a received wireless signal in the absence of a transmitted wireless signal determines that a higher priority message is being received and responsive to that determination terminates the transmission before completion of the byte.”

Claims 9 and 10 are now clearly differentiated over the combination of van Bokhorst et al. in view of Khawant et al., Menard, White, Onoe et al. and O’Scolai. For example, van Bokhorst is merely directed to a system where both transmitter and receiver are deactivated at the same time. Similarly, Khawant et al. is directed to a group synchronization whereas claim 30 is limited to a predetermined time offset. Menard uses a local Bluetooth connection to activate a receiver whereas claim 30 is directed to activation using an internal clock. Similarly, White is directed to the transmission of a priority character rather than to detecting a received bit that is

not the same as a transmitted bit. Onoe et al. is directed to error checking and O'Scolai is directed to multi-frames.

Moreover, the rejections appear to be based upon nothing more than hindsight reconstruction using the application as a template and information not available at the time of filing of the instant application. The information not available at the time of filing of the instant application involves the use of use of simultaneously transmitted bits of wireless devices 14 as a means for determining priority.

For any of the above reasons, the combination fails to teach or suggest each and every claim limitation and/or uses hindsight reconstruction. As such, the rejections are improper and should be withdrawn.

Claims 12, 13, 20 and 23 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,192,230 to van Bokhorst et al. in view of U.S. Pat. No. 7,103,344 to Menard, U.S. Pat. No. 6,002,669 to White, U.S. Pat. No. 5,151,693 to Onoe et al., U.S. Pat. No. 6,816,510 to Banerjee and U.S. Pat. No. 7,050,409 to O'Scolai. Applicant respectfully traverses these rejections.

It may be noted first that claim 12 and 13 are dependent upon claim 32 and include all of the limitations of independent claim 32. It may be noted next that independent claim 32 is limited to "comparing a transmitted wireless signal with a simultaneously received ~~bit~~ wireless signal; and terminating the transmission before completion of the byte upon detecting a received wireless signal in the absence of a transmitted wireless signal."

Claims 12, 13, 20 and 23 are now clearly differentiated over the combination of van Bokhorst et al. in view Menard, White, Onoe et al., Banerjee and O'Scolai. For example, van Bokhorst is merely directed to a system where both transmitter and receiver are deactivated at

the same time. Menard uses a local Bluetooth connection to activate a receiver whereas claim 32 is directed to activation using an internal clock. Similarly, White is directed to the transmission of a priority character rather than to detecting a received bit that is not the same as a transmitted bit. Onoe et al. to error checking, Banerjee to clock synchronization and O'Scolai is directed to multi-frames.

Moreover, the rejections appear to be based upon nothing more than hindsight reconstruction using the application as a template and information not available at the time of filing of the instant application. The information not available at the time of filing of the instant application involves the use of use of simultaneously transmitted bits as a means for determining priority.

For any of the above reasons, the combination fails to teach or suggest each and every claim limitation and/or uses hindsight reconstruction. As such, the rejections are improper and should be withdrawn.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,192,230 to van Bokhorst et al. in view of U.S. Pat. No. 7,103,344 to Menard, U.S. Pat. No. 6,002,669 to White, U.S. Pat. No. 5,151,693 to Onoe et al., U.S. Pat. No. 6,816,510 to Banerjee and U.S. Pat. No. 7,366,532 to Khawand et al. Applicant respectfully traverses these rejections.

It may be noted first that claim 25 are dependent upon claim 33 and includes all of the limitations of independent claim 33. It may be noted next that independent claim 33 is limited to the context “where energy consumption of transmitters of each of the second and third devices is increased and each of the second and third devices carries out a bit arbitration process while wirelessly transmitting signals at the same time, said bit arbitration including comparing a transmitted wireless signal of the transmitted responses with a received wireless signal; and the



second or third device terminating transmission before completion of the byte upon detecting a received wireless signal in the absence of a transmitted wireless signal.”

Claim 25 is now clearly differentiated over the combination of van Bokhorst et al. in view Menard, White, Onoe et al., Banerjee and Khawand et al. For example, van Bokhorst is merely directed to a system where both transmitter and receiver are deactivated at the same time. Menard uses a local Bluetooth connection to activate a receiver whereas claim 32 is directed to activation using an internal clock. Similarly, White is directed to the transmission of a priority character rather than to detecting a received bit that is not the same as a transmitted bit. Onoe et al. to error checking, Banerjee to clock synchronization and Khawand et al. is directed to group synchronization.

Moreover, the rejections appear to be based upon nothing more than hindsight reconstruction using the application as a template and information not available at the time of filing of the instant application. The information not available at the time of filing of the instant application involves the use of use of simultaneously transmitted bits as a means for determining priority.

For any of the above reasons, the combination fails to teach or suggest each and every claim limitation and/or uses hindsight reconstruction. As such, the rejections are improper and should be withdrawn.

#### Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject

application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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